

REMARKS

Applicant has carefully considered the December 16, 2005 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-14 were pending in this application. In response to the Office Action dated December 16, 2005, claims 3-6 have been canceled and claims 1 and 14 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The Examiner objected to the title of the invention as not being descriptive. Applicant has amended the title to address the Examiner's objection. Accordingly, reconsideration and withdrawal of the objection are solicited.

Applicant does not believe any additional amendments are required to the specification at the present time.

Claims 1, 3, 4 and 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated over Hosokawa et al. (U.S. Pat. No. 6,280,861, hereinafter "Hosokawa"). Applicant respectfully traverses.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Moreover, there are significant differences between the claimed invention and the device/methodology disclosed by Hosokawa that would preclude the factual determination that Hosokawa identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

Hosokawa fails to disclose or suggest a second hole injection layer including a halide formed by plasma chemical vapor deposition. As acknowledged by the Examiner, Hosokawa discloses an amine-based compound at col. 15, lines 24 and 33-36. Accordingly, Hosokawa fails to disclose a second hole injection layer including a halide, much less a second hole injection layer formed by plasma chemical vapor deposition as required in amended claims 1 and 14. Accordingly, Hosokawa fails to identically disclose or suggest every limitation of independent claims 1 and 14 and, therefore, the rejection should be withdrawn.

Claims 1-14 were rejected under 35 U.S.C. § 102(e) as being anticipated over Hamada et al. (U.S. Pat. No. 6,936,962, hereinafter “Hamada”). Applicant respectfully traverses.

Hamada was filed in on September 26, 2003 and is commonly assigned to Sanyo Electric Co. Ltd. The present application has a priority date of March 28, 2003 which is before the effective filing date of Hamada. Submitted concurrently herewith is an certified English language translation of the Japanese priority document (JP 2003-090614, filed March 28, 2003). Accordingly, Hamada's filing date does not qualify as an effective date for prior art purposes under 35 U.S.C. § 102(e). Reconsideration and withdrawal of the rejection are respectfully solicited.

Dependent claims 2 and 5-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosokawa in view of Hung (U.S. Pat. No. 6,208,077, hereinafter "Hung").

Applicant incorporates herein the arguments previously advanced in traversal of the rejection of claims 1, 3, 4 and 10-14 under 35 U.S.C. § 102(b) predicated upon Hosokawa. The secondary reference to Hung does not cure the argued deficiencies of Hosokawa. Thus, even if the applied references are combined as suggested by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Accordingly, reconsideration and withdrawal of the rejection are solicited.

It is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

**10/809,916**

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Brian K. Seidleck".

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